

**NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL**

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest.

At its June 21-23 meeting in Portland, ME, the Council approved actions related to the development of its fishery management plans.

The issues involved:

- ◆ Sea Scallop FW 28 and the RSA Program
- ◆ Small Mesh Multisp. Amendment 22
- ◆ Industry-Funded Monitoring Amendment
- ◆ Atlantic Herring Amendment 8
- ◆ Groundfish FW 56 and the haddock catch cap for herring midwater-trawl gear
- ◆ Other Items of Interest

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Council Report

June/July 2016

Sea Scallops

FW 28 takes shape, RSA revised

Following up on recommendations from its Scallop Committee and industry advisors, the Council initiated Framework Adjustment 28 to the Atlantic Scallop Plan and voted on several items related to the Scallop Research Set-Aside (RSA) Program.

On the RSA end:

The Council approved 2017 and 2018 RSA priorities and ranked them as follows:

HIGHEST PRIORITY – Intensive surveys of identified access areas (Elephant Trunk, Closed Area II and surrounding bottom, and a portion of Closed Area I), along with continued resource-wide surveys of Georges Bank and the Mid-Atlantic;

HIGH PRIORITY – Bycatch issues and scallop meat quality research;

MEDIUM PRIORITY – Research involving (a) non-harvest scallop mortality such as predation, disease, and discarding, (b) loggerhead turtles, and (c) scallop spat and seeding project evaluations; and

OTHER POTENTIAL OPPORTUNITIES – Research related to (a) habitat characterization, (b) environmental stressors, (c) scallop length per unit effort projections, and (d) additional resource surveys to expand or enhance current coverage.



The Council requested that NOAA Fisheries to provide future summaries of all submitted RSA proposals, reviewer comments, and funding decision rationale --- to the extent possible given confidentiality constraints --- in order to help guide the NEFMC and public during subsequent RSA priority-setting endeavors.

The Council also voted to revise its Scallop RSA policy to reflect recent changes to the program that increase transparency. This particular change calls for a panel of experts to provide a technical review of all survey proposals vs. individual reviewers. *Continued on p.2.*



**Next Council
Meeting
Sept. 20-22, 2016
Danvers, MA**

Sea Scallops - *continued*

Upcoming Scallop Meetings

PDT, July 21 in Newburyport, MA

PDT, August 30-31 Falmouth, MA

Advisory Panel, Sept. 13, New Bedford, MA

Committee, Sept. 14, New Bedford, MA

Framework 28 Final Action

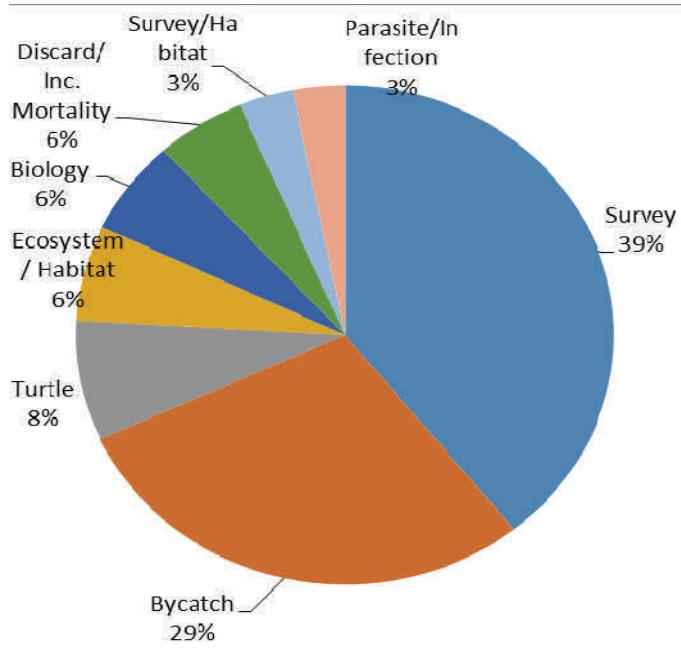
This is likely to occur during the NEFMC's November meeting in Newport, RI in order to facilitate NOAA Fisheries' ability to review and implement the regulatory package by early spring.

During the 2016 and 2017 funding cycle, NOAA Fisheries awarded roughly \$15.6 million in funds to 15 different scallop research projects. Six of those projects were funded for two years. Resource surveys and bycatch projects topped the list, as has been the case since 2010 (see pie chart).

The Scallop RSA program is funded by industry, which "sets aside" 1.25 million pounds of the fleet's overall allocation to support research. NOAA Fisheries takes that poundage and multiplies it by an estimated scallop price-per-pound to put a dollar figure on the program's considerable value. The price used for 2016-2017 was \$12 per pound, meat weight.

As for Scallop Framework Adjustment 28, the Council officially launched the framework with the following items:

- Fishery specifications for fishing year 2017 and default measures for 2018;
- A prohibition on possessing more than 50 bushels of shell stock inshore of the days-at-sea demarcation line north of 42° 20' N, which covers the Northern Gulf of Maine Management Area;
- Adjustments to the process for setting scallop annual catch limits; and
- Modifications to the Closed Area I Access Area boundary.



The Closed Area I proposal is complicated but, if ultimately approved, would open and expand the access area to include a "sliver" of bottom that scallop fishermen have been seeking access to for years.

Access to the sliver is contingent on two factors: final approval of Framework 28; and final approval of the Council's Omnibus Habitat 2 package, which currently is under review by NOAA Fisheries. The Habitat Amendment includes many significant changes to existing closed areas and proposes several new ones.

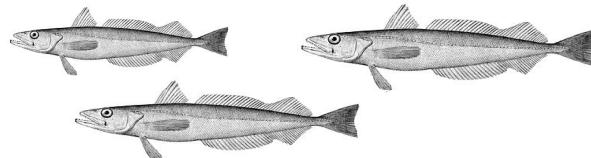
The Council further agreed to consider making all flatfish bycatch accountability measures (AMs) for scallopers consistent, to the extent feasible, with gear modification AMs for southern windowpane flounder. Given the heavy load already required to develop and analyze the other Framework 28 measures over the summer and fall, the Council voted that this additional action should be set as a priority for Framework 29.

Small Mesh Multispecies

Limited access still in the works

The Council approved continued development of limited access alternatives in Small Mesh Multispecies Amendment 22 to the Groundfish Plan. In taking this position, the NEFMC tasked the Whiting Plan Development Team with drafting a limited access option that would take a last in/first out approach; new entrants to the fishery would be allowed, but would be first to exit when catches reach the annual catch limit. Once the PDT's work is complete, the issue will be further developed at future Whiting Committee meetings.

The Council also approved consideration of a measure that would increase the southern whiting possession limit from 40,000 to 50,000 lbs. Staff and the Council will decide later whether to address this issue in a framework adjustment or in the next specifications package.



Industry-Funded Monitoring

A quick refresher on the Industry-Funded Monitoring Amendment

The NMFS-led IFM amendment is being developed jointly as an omnibus action to ensure consistency among any new industry-funded monitoring programs included in New England and Mid-Atlantic Council's fishery management plans. The amendment also would include specific coverage levels for the Atlantic mackerel and Atlantic herring fisheries. The Councils are currently involved in crafting the specifics.

If approved by both Councils and the agency, provisions would allow increased monitoring and/or other types of data collection in the herring and mackerel fisheries for the purpose of more accurately characterizing catch, monitoring annual catch limits, and/or providing other information for management. The increased monitoring under consideration would be independent of NOAA Fisheries' Standardized Bycatch Reporting Methodology (SBRM) requirements.

Final products The amendment will include a standardized administrative structure. The action also clarifies that industry funding would be used in conjunction with, not instead of, federal funding to pay for additional monitoring to meet FMP-specific monitoring coverage targets that would be determined by each Council.

What has happened to date? Earlier in the year both Councils approved preferred alternatives for the omnibus elements of the amendment, or those that would apply to all programs initiated through this action. Other than refining one of the omnibus alternatives (see number 1 below), at the June meeting the NEFMC focused its attention on changes to the monitoring coverage targets that would apply to the Atlantic herring fishery.

Below is a list of the specific changes approved by the New England Council:

1. An equal weighting approach to prioritize funding to support the administrative functions for new industry-funded monitoring programs among affected fisheries;
2. Two options for at-sea monitoring sampling design. The additional option would include the collection of additional biological information on kept and discarded catch;
3. After previously approving a measure that slippage reporting requirements, restrictions, and consequence measures be extended to herring trips that are also selected for at-sea monitoring coverage and electronic monitoring/portside sampling coverage, the NEFMC reconsidered that decision in June. Their conversations were based on concerns that cameras might not be able to determine the cause of slippage events, possibly resulting in enforcement problems. Ultimately, the NEMFC members did not recommend removal of slippage consequence measures for any alternatives. *Continued on p. 4.*

IFM Amendment - *continued*



Extra Herring Info

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#### **What is a performance metric?**

A performance metric is a means to measure something. The range of performance metrics in this case includes factors such as predator abundance/condition and the inter-annual ABC fluctuation.

#### **Amendment 8 next steps**

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A technical team within the Northeast Fisheries Science Center will work on the analyses and present its results in early December at a second MSE Workshop.

The PDT will continue to work on the second major component of Amendment 8, localized depletion.

4. An additional herring monitoring coverage target alternative that would apply monitoring coverage based on permit category or gear type. Based on permit category, the added alternative would apply at-sea monitoring (ASM) coverage on Category A and B vessels using a midwater trawl, purse seine and small mesh bottom trawl gear at a rate of 25%, 50%, 75%, or 100%.

Based on gear type rather than permit category, the additional alternative would apply ASM coverage on vessels targeting herring using midwater trawl, purse seine, and small mesh bottom trawl gear at a rate of 25%, 50%, 75%, or 100%.

The Council also determined that pending satisfactory completion of the Fisheries Service electronic monitoring (EM) pilot project and an NEFMC review, vessels subject to IFM coverage could choose to continue with at-sea monitors or use EM/portside monitoring. These vessels would be limited to choosing one monitoring type per fishing year, and would be required to declare their preferred monitoring type six months in advance of the fishing year. The action would establish a minimum participation threshold for each monitoring type.

The IFM discussion ended with Council approval of the Draft Environmental Assessment for purposes of seeking input at public hearings. The NEFMC also recommended a 45-day public comment period for this action and asked the agency for an update on the progress of the EM pilot project at its September 20-22, 2016 meeting in Danvers, MA.

Atlantic Herring

Amendment 8 moves forward

Amendment 8 to the Atlantic Herring Fishery Management Plan will progress considerably over the summer and early fall with additional direction from the Council, which is using a new Management Strategy Evaluation (MSE) process to develop a long-term control rule for specifying the herring fishery's Acceptable Biological Catch (ABC). A control rule is a formulaic approach for establishing a catch limit or target fishing level based on the best scientific information available.

Amendment 8 has three goals, which are to: a.) account for the role of Atlantic herring within the ecosystem, including as forage; and b.) stabilize the fishery at a level designed to achieve optimum yield; and c.) address localized depletion in inshore waters.

The stated objective is to "develop and implement an ABC control rule that manages Atlantic herring within an ecosystem context and addresses the goals of Amendment 8."

Back in January, the Council agreed to use MSE – a process new to New England but often used elsewhere – to develop alternatives for the herring ABC control rule. MSE utilizes a collaborative approach that calls for more public input and technical analysis upfront – before alternatives are actually selected – so that all involved have a better understanding of the potential impacts of various proposals. Stakeholders who attended a facilitated herring MSE workshop in May welcomed the approach.

At its June meeting, the full Council reviewed the workshop's outcomes, as well as additional recommendations from the PDT, and the Herring Advisory Panel and Committee. By consensus, the Council approved the ABC control rule objectives, performance metrics, and a range of ABC control rules for analysis.

Groundfish

Details outlined for upcoming actions The Council received several updates and took action on the following during the Groundfish Committee Report on June 22nd. Three major topics were considered.

The *Groundfish Plan Development Team's white paper on monitoring strategies for the commercial groundfish fishery* Council staff reported that, at the direction of the committee, the PDT has been evaluating existing dockside monitoring programs in detail as it attempts to develop alternative scenarios that would achieve greater accuracy and precision in groundfish catch reporting. Other types of monitoring programs and issues will be addressed and a draft paper will be presented to the Groundfish Committee later this summer.

Topics for Framework Adjustment 56 to the Groundfish Plan After discussing timing for the industry and Council alike and on-going priorities, the Council approved a motion to separate the development of the Georges Bank haddock catch cap for the Atlantic herring mid-water trawl fishery from the on-going groundfish framework. Framework 56 will now include the following types of management measures:

- ⇒ Updates to status determination criteria, stock status, and annual catch limits based on upcoming stock assessments for witch flounder and the US/CA stocks --- Eastern Georges Bank (cod and haddock and Georges Bank yellowtail flounder);
- ⇒ A sub-annual catch limit for northern windowpane flounder for the scallop fishery;
- ⇒ An increase in the Georges Bank haddock sub-annual catch limit, or sub ACL, for the Atlantic herring mid-water trawl fishery;
- ⇒ Revisions to the process used to develop management measures for the recreational fishery; and
- ⇒ Modification of Atlantic halibut management measures (to avoid a possible overage of the annual catch limit in state waters fisheries, measure).

Note that the Groundfish Committee will develop measures to increase the Georges Bank haddock sub-ACL only, while the Herring Committee will continue work on the details of any changes to the accountability measures that relate to overages of the GB haddock sub-ACL. The details of the haddock catch cap will be included in a future herring framework adjustment.

The development of revisions to the Georges Bank haddock accountability measures in the Atlantic herring midwater trawl fishery The Council reviewed and approved revisions to the “purpose and need” for this action (see April Council Report, p. 3-4) to now include: a.) increased emphasis on reducing potential negative impacts on the herring fishery that could result if opportunities to fish in Area 3 and 1B are curtailed mid-season; and b.) reducing the potential negative impacts on the mackerel fishery, given that these vessels are also affected by any accountability measures (AMs) for Georges Bank haddock if they participate in the Georges Bank winter mackerel fishery.



The Council passed several motions to identify the range of alternatives, reflecting discussions held by the Groundfish and Herring Committees prior to this Council meeting. In addition to approving the “No Action” alternative, the items approved by the Council addressed the magnitude of the catch cap, changes to the herring fishery accountability measures, and their implementation. No pro-active accountability measures are to be considered at this time. Draft measures would:

- 1) Increase the existing 1% haddock catch cap to something higher – 1.5% or 2%;
- 2) Pair an increased cap with a transfer provision that permits any unused portion of Georges Bank haddock sub-ACL to revert back to the groundfish fishery mid-year;
- 3) Modify the Georges Bank AM area based on new information about the highest bycatch rate areas;
- 4) Potentially identify a season for the AM, rather than have an area close for the remainder of the groundfish fishing year once the AM is implemented;
- 5) Allow a seasonal (80%/20%) split of the Georges Bank haddock sub-ACL to reserve some haddock bycatch for herring fishing activity later in the year; and
- 6) Amend how catch is estimated through the addition of dockside monitoring in addition to sea sampling.

The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, passed in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coast. NEFMC management authority extends to fishing grounds in the Gulf of Maine, out to Georges Bank, and in southern New England and the Mid-Atlantic.

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Other Items That May Interest You

The following issues, with the exception of the Risk Policy Implementation Plan, were addressed or discussed by the Council members in June. Each address a matter that may be of interest or concern to fishermen, but are not the subject of Council action. The NEFMC does, however, provide formal comments, or its members and the public may express their individual positions to presenters at Council meetings.

NEFMC Risk Policy – The Council reviewed and finalized its Risk Policy Implementation Plan in June. You can take a look at the plan here - www.nefmc.org/library/june-2016-risk-policy. The policy itself was approved at the November 2014 Council meeting and can be found on p. 4 of the document labeled "Road Map." It addresses risk and uncertainty when setting ABCs, ACLs, and other management measures.

BOEM – The Council intends and fishermen may wish to track the activities of the Bureau of Ocean Energy Management's (formerly the Minerals Management Service) plans for Atlantic Offshore Wind Energy leasing. The deadline for comments on the Environmental Assessment for the New York Wind Energy Area (WEA) is July 13.

BOEM has also published a proposed sale notice in the *Federal Register* for the WEA with a 60-day comment period and a deadline of August 5. See http://s3.amazonaws.com/nefmc.org/3_June2016NEFMC_briefingbook_BOEM.pdf for helpful information, a map, and the BOEM site which provides more details.

The proposed lease area, located about 11 miles south of Long Island, is identical to the WEA, which BOEM identified earlier this year. The presentation delivered at the Council meeting http://s3.amazonaws.com/nefmc.org/3a_NEFMC_June2016_BOEMupdate.pdf provides additional information about the BOEM process.

Enforcement – The Council provided comments on the NOAA Office of Law Enforcement's Northeast Priorities at the June meeting. At the recommendation of its Enforcement Committee it also approved further development of a cod-end certification program. See <http://www.nefmc.org/library/june-2016-enforcement-vms-committee-report> for the information used at the Council meeting.

NOAA's Draft Northeast Climate Science Action Plan – This step implements NOAA's Fisheries Climate Science Strategy. The strategy itself represents a national framework to meet the growing demand for information to better prepare for and respond to climate-related impacts on the nation's living marine resources and resource-dependent communities. The Council has supported the agency's efforts with a letter that also includes comments. See <http://www.nefmc.org/library/june-2016-noaa-fisheries-draft-northeast-climate-science-action-plan>.